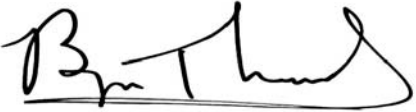


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 1	Number 15	Effective Date 11/19/08	Review Date 2011
Subject BAIL BONDSMEN AND BAIL ENFORCEMENT AGENTS			☒ New Order ☐ Replaces
References Code of Virginia §9.1-185, 9.1-186, 19.2-119, 19.2-149 General Order 7-5			
 _____ Chief of Police or Designee		11/19/08 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the policy and procedure concerning law enforcement officers' involvement with bail bondsmen and their enforcement agents also known as bounty hunters.

II. POLICY

It is the policy of the Richmond Police Department to respond when dispatched to calls for service and when executing a warrant. Officers are encouraged to exercise independent judgment, considering all relevant circumstances, to determine if he/she shall participate in the apprehension of a subject for whom the officer knows has a pending warrant.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. **BAIL BONDSMAN** – Any person licensed by the Department of Criminal Justice Services (DCJS) who engages in the business of bail bonding and is thereby authorized to conduct business in all courts of the Commonwealth (Code of VA §9.1-185).
- B. **BAIL ENFORCEMENT AGENT** also known as **BOUNTY HUNTER** – Any individual, operating under direct authorization of a licensed bail bondsman, to act on the

bondsman's behalf in bail recovery. (Bail recovery is the act of arresting a bailee with the object of surrendering the bailee to the appropriate court, jail or police department for the purpose of discharging the bailee's surety from liability on his bond. "Bail recovery" shall include investigating, surveilling or locating a bailee in preparation for an imminent arrest, with such object and for such purpose.) (Code of VA §9.1-186).

- C. BAILEE – A person who has been released on bail and who is or has been subject to a bond, as defined in Code of VA §19.2-119. (Code of VA §9.1-186)
- D. SURETY'S CAPIAS AND BAILPIECE RELEASE – A legal document issued by any Virginia Circuit Court or judge which authorizes a bail bondsman (licensed or unlicensed), bail enforcement agent or police officer to arrest a bailee. This is the only warrant issued in Virginia that a citizen may possess. It will NOT be entered into NCIC, VCIN or 899; however, a corresponding capias may also be on file for the subject.

V. PROCEDURE

A. Authority and Limitations of the Bail Bondsman and Bounty Hunter:

- 1. When an individual secures a bond with a bondsman, they create a unique relationship with the bondsman. This relationship allows the bondsman and their agents (bounty hunters) to take the fugitive client into custody if and when the terms of the bond are violated.
- 2. While pursuing the bailee, the bondsman or bounty hunter has no authority to violate criminal law and no shield of protection from police action in response to any violation of the criminal code. The bondsman or bounty hunter must comply with all state and local laws including those pertaining to the possession of a weapon and must have specific legal authority from DCJS if operating for profit.
- 3. A bondsman or bounty hunter has no lawful authority to enter in or remain on the premises of a third party individual when denied permission to do so by the owner or keeper of the property.

B. Encounters with Bondsmen and Bounty Hunters in the Field:

- 1. Officers will not allow bail bondsmen or bounty hunters to violate the law nor will they be allowed to become involved in official police actions. In addition, officers shall be aware of and disallow any misrepresentation of the officer's presence in which an image or perception is cast that the bondsman or bounty hunter is utilizing or overruling the officer's police authority.
- 2. A field supervisor shall respond to the scene when notified that a bail bondsman or bounty hunter is involved in a call for service.

C. Apprehending Fugitives in Bail Bondsmen Situations:

- 1. Officers encountering bail bondsmen or bounty hunters that are attempting to apprehend a fugitive bailee will adhere to the following guidelines:

- a. Seek proper identification from the bondsmen or bounty hunters.
- b. Determine whether or not the fugitive client has a confirmed warrant, Surety's Capias and Bailpiece Release (State Form DC 331) or a confirmed extraditable warrant from another jurisdiction.
- c. Independently verify that the fugitive client listed in the confirmed warrant is indeed the same individual being sought, making sure that any bailpiece has been signed by the court clerk or judge.
- d. If there is an outstanding warrant and the fugitive bailee is present, the officer will follow department warrant arrest procedures as outlined in General Order 7-5, Executing Arrest Warrants and Subpoenaing Witnesses.
- e. Independently investigate and determine if there is probable cause to believe that the fugitive client is at the location listed in the warrant.
 - 1) If the officer has probable cause to believe that the fugitive client is at the address listed in the warrant and a valid warrant exists for the subject's arrest, a supervisor will determine whether or not legal entry is possible to enforce the warrant without securing an additional search warrant, if feasible under the circumstances (unless exigent circumstances exist).
 - 2) If the officer has probable cause to believe that the fugitive client is at a third party's residence or premises, the officer will follow proper departmental procedure in either obtaining a waiver of search or, if required under the circumstances, a search warrant (unless exigent circumstances exist).
 - 3) Once a waiver of search or a search warrant is obtained, Richmond Police officers will conduct the search and, if the fugitive client is located, take the fugitive bailee into custody and transport that individual to the Richmond City Lockup for processing.
 - 4) Officers will ensure that neither the bail bondsman nor his agents become involved in the search nor take the subject into custody if located.
2. In all cases, the primary unit at the scene will complete an IBR report on the incident, documenting all the participants and circumstances.

VI. ROLES AND RESPONSIBILITIES

A. Officer at the scene shall:

1. Verify the identity and authority (via bail piece) of the bondsman or bounty hunter;

2. Verify the identity of the fugitive client and determine if he/she has a valid warrant;
 3. Follow departmental arrest procedures;
 4. Complete an IBR and any supplemental documentation; and,
 5. Notify a supervisor whenever he/she encounters a situation involving a bail bondsman or agent.
 6. Disallow involvement, interference or misrepresentation in police actions and/or violations of the law by bail bondsmen or bounty hunters.
- B. Field Supervisor shall:
1. Ensure that officers follow all departmental procedures and complete required reports; and,
 2. Respond to the scene when notified that a bail bondsman or bounty hunter is involved.
- C. DEC shall:
- Notify a supervisor when informed that a bail bondsman or bounty hunter is involved in a call for service.

VI. FORMS

- A. IBR
- B. Supplemental IBR forms, if applicable.
- C. Surety's Capias and Bailpiece Release (State Form DC 331)